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Tarrant County Texas

Official Public Records

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Suzanne Henderson

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*The State of Texas,
County of Tarrant,*

Know All Men by These Presents:

AMENDMENT

To

"OIL AND GAS LEASE"

WHEREAS, heretofore, under date of January 10, 2008, The Nancy Ann and Ray L. Hunt Foundation, a Texas non-profit corporation (formerly known as The Ruth Ray and H.L. Hunt Foundation), and The Ruth Foundation, a Texas non-profit corporation, whose address is 1900 North Akard Street, Dallas, Texas 75201, as Lessor, did execute and deliver unto XTO Energy Inc., whose address is 810 Houston Street, Fort Worth, Texas 76102, as Lessee, an Oil and Gas Lease, a Memorandum of which is recorded as document number D208025183 in the Official Public Records of Tarrant County, Texas (hereinafter referred to as "said Lease") covering 130.8762 acres more particularly described on Exhibit A, attached, (hereinafter referred to as "said Land"); and,

WHEREAS, reference to said Lease being herein made for all purposes; and,

WHEREAS, it is the desire of Lessor and Lessee to amend the pooling provision in said Lease.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned do hereby agree as follows:

1. Amendment: A portion of the second paragraph, lines 5 through 8 on page 10, under Article 7, Sub-Article B, "Horizontal Wells", of said Lease which currently reads as follows:

"... but only in a spacing unit the area or number of acres of which are equal to the area or number of acres determined by adding twenty (20) acres for each five-hundred [sic] eighty-five (585) feet horizontally drilled to the original forty (40) acres deemed to be a proration unit for each vertical well"

is hereby amended to read as follows:

"... but only in a spacing unit the area or number of acres of which are limited to 640 acres plus an acreage tolerance of 10%."

It is understood and agreed by all parties hereto that in all other respects, said Lease and the prior provisions thereto, shall remain in full force and effect and each of the undersigned does hereby ratify and confirm said Lease as hereby amended.

This Amendment shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, legal representatives, successors and assigns.

The failure of one or more parties to execute this instrument shall not in any manner affect the validity and binding effect of same as to the parties who execute said instrument.

IN WITNESS WHEREOF, this Amendment to Oil, Gas and Mineral Lease is executed by the parties hereto on the dates of their respective acknowledgments, but made effective for all purposes as of January 10, 2008.

LESSOR:

The Nancy Ann and Ray L. Hunt Foundation

BWS
BWS

By:

W. Kirk Baker

Its:

W. Kirk Baker, Vice President

The Ruth foundation

By:

Elizabeth A. Lund

BWS
BWS

Its:

Elizabeth A. Lund, Treasurer

LESSEE:

XTO ENERGY INC.

EST

By:

Edwin S. Ryan, Jr.

Edwin S. Ryan, Jr.,

Sr. Vice President - Land Administration

ACKNOWLEDGMENTS

State of Texas }
 County of Dallas }

This instrument was acknowledged before me on this 5th day of August, 2009, by W. Kirk Baker as Vice President of The Nancy Ann and Ray L. Hunt Foundation, a Texas non-profit corporation, on behalf of said corporation.

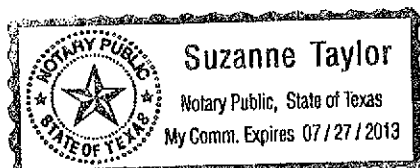


(Seal)

Suzanne Taylor
 Notary Public,
 in and for The State of Texas.

State of Texas }
 County of Dallas }

This instrument was acknowledged before me on this 5th day of August, 2009, by Elizabeth A. Lund as Treasurer of The Ruth Foundation, a Texas non-profit corporation, on behalf of said corporation.

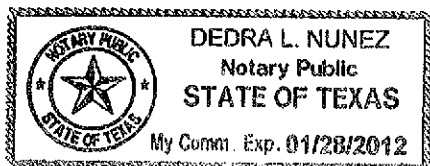


(Seal)

Suzanne Taylor
 Notary Public,
 in and for The State of Texas.

State of Texas }
 County of Tarrant }

This instrument was acknowledged before me on this 6th day of August, 2009, by Edwin S. Ryan, Jr., Sr. Vice President - Land Administration of XTO Energy Inc., a Delaware corporation, on behalf of said corporation.



(Seal)

Dedra L. Nunez
 Notary Public
 in and for The State of Texas.

Exhibit A

("said Land"):

Tract 1: Lots 1 and 2, Block 1, FOSSIL CREEK, Phase 1, Section 1, an Addition to the City of Fort Worth, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388-140, Pages 40, 41 and 42, Plat Records, Tarrant County, Texas, LESS AND EXCEPT 1.286 acres, more or less, being a portion of Lot 2, Block 1, FOSSIL CREEK, Phase 1, Section 1, an Addition to the City of Fort Worth, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388-140, Pages 40, 41 and 42, Plat Records, Tarrant County, Texas, described in a Warranty Deed dated effective April 30, 1991 from the American Association of Petroleum Landmen, Inc. to A.A.P.L. Educational Foundation, Inc. of record in Volume 10251 at Page 0872 of the Official Public Records of Tarrant County, Texas, containing a total of 25.55 acres, more or less;

Tract 2: 6.465 acres, more or less, situated in the W.B. DEWEES SURVEY, A-396, City of Fort Worth, Tarrant County, Texas, described as Parcel E-3B Fossil Creek North in a General Warranty Deed dated December 23, 1997 from Hunt-Woodbine Realty Corporation to The Ruth Ray and H.L. Hunt Foundation and The Ruth Foundation of record in Volume 13026 at Page 346 of the Official Public Records of Tarrant County, Texas;

Tract 3: 6.969 acres, more or less, situated in the W.B. DEWEES SURVEY, A-396, City of Fort Worth, Tarrant County, Texas, described as Parcel F-1A Fossil Creek North in a General Warranty Deed dated December 23, 1997 from Hunt-Woodbine Realty Corporation to The Ruth Ray and H.L. Hunt Foundation and The Ruth Foundation of record in Volume 13026 at Page 346 of the Official Public Records of Tarrant County, Texas;

Tract 4: 9.02 acres, more or less, situated in the W.B. DEWEES SURVEY, A-396, City of Fort Worth, Tarrant County, Texas, described as Parcel F-1B Fossil Creek North in a General Warranty Deed dated December 23, 1997 from Hunt-Woodbine Realty Corporation to The Ruth Ray and H.L. Hunt Foundation and The Ruth Foundation of record in Volume 13026 at Page 346 of the Official Public Records of Tarrant County, Texas;

Tract 5: 7.111 acres, more or less, situated in the W.B. DEWEES SURVEY, A-396, City of Fort Worth, Tarrant County, Texas, described as Parcel F-2 Fossil Creek North in a General Warranty Deed dated December 23, 1997 from Hunt-Woodbine Realty Corporation to The Ruth Ray and H.L. Hunt Foundation and The Ruth Foundation of record in Volume 13026 at Page 346 of the Official Public Records of Tarrant County, Texas;

Tract 6: 18.436 acres, more or less, situated in the W.B. DEWEES SURVEY, A-396, City of Fort Worth, Tarrant County, Texas, described as Parcel G-1 Fossil Creek North in a General Warranty Deed dated December 23, 1997 from Hunt-Woodbine Realty Corporation to The Ruth Ray and H.L. Hunt Foundation and The Ruth Foundation of record in Volume 13026 at Page 346 of the Official Public Records of Tarrant County, Texas;

Tract 7: 10.68 acres, more or less, situated in the J.M. ROBINSON SURVEY, A-1345 and the W.B. DEWEES SURVEY, A-396, City of Fort Worth, Tarrant County, Texas, described as Parcel H-3 Fossil Creek North in a General Warranty Deed dated December 23, 1997 from Hunt-Woodbine Realty Corporation to The Ruth Ray and H.L. Hunt

Foundation and The Ruth Foundation of record in Volume 13026 at Page 346 of the Official Public Records of Tarrant County, Texas;

Tract 8: 5.041 acres, more or less, situated in the ABSALOM SMITH SURVEY, A-1419, City of Fort Worth, Tarrant County, Texas, described as Parcel A-5 Fossil Creek North in a General Warranty Deed dated December 23, 1997 from Hunt-Woodbine Realty Corporation to The Ruth Ray and H.L. Hunt Foundation and The Ruth Foundation of record in Volume 13026 at Page 346 of the Official Public Records of Tarrant County, Texas, LESS AND EXCEPT 3.887 acres, more or less, situated in the ABSALOM SMITH SURVEY, A-1419, City of Fort Worth, Tarrant County, Texas, described in a Special Warranty Deed dated September 17, 1998 from The Ruth Ray and H.L. Hunt Foundation and The Ruth Foundation to Brinker Texas L.P. of record in Volume 13425 at Page 515 of the Official Public Records of Tarrant County, Texas, containing a total of 1.154 acres, more or less;

Tract 9: 12.886 acres, more or less, situated in the ABSALOM SMITH SURVEY, A-1419, City of Fort Worth, Tarrant County, Texas, described as Parcel B-1 Fossil Creek North in a General Warranty Deed dated December 23, 1997 from Hunt-Woodbine Realty Corporation to The Ruth Ray and H.L. Hunt Foundation and The Ruth Foundation of record in Volume 13026 at Page 346 of the Official Public Records of Tarrant County, Texas;

Tract 10: 0.831 acre, more or less, situated in the I.N. STAPP SURVEY, A-1422, City of Fort Worth, Tarrant County, Texas, described in a General Warranty Deed dated December 23, 1997 from Hunt-Woodbine Realty Corporation to The Ruth Ray and H.L. Hunt Foundation and The Ruth Foundation of record in Volume 13026 at Page 346 of the Official Public Records of Tarrant County, Texas;

Containing a total of 99.102 acres, more or less, in Tracts 1-10;

And;

FIRST TRACT: 16.0422 acres, being out of the DAVID ODUM SURVEY, A-1184, Tarrant County, Texas, and being all that part and only that part of the following:

Residue Parcel "A": 57.5872 acres, more or less, out of the DAVID ODUM SURVEY, A-1184, Tarrant County, Texas, and being 150.652 acres described as Tract 1 in a Special Warranty Deed dated December 30, 1986 from Hunt Consolidated Inc. to Hunt Realty Corporation recorded in Volume 8804, Page 1125, Deed Records, Tarrant County, Texas, LESS, SAVE AND EXCEPT the following:

Tract One: 5.4398 acres, more or less, being Lot 2A, Block 3, Phase 1, Section 1, FOSSIL CREEK ADDITION, an Addition to the City of Fort Worth according the Plat thereof recorded in Volume A, Page 834, Plat Records, Tarrant County, Texas;

Tract Two: 5 acres, more or less, being a part of Lot 2, Block 3, Phase 1, Section 1, FOSSIL CREEK ADDITION, an Addition to the City of Fort Worth according the Plat thereof recorded in Volume 388-140, Page 40, Plat Records, Tarrant County, Texas, more particularly described in a General Warranty Deed dated April 30, 1991 from Woodbine Realty Corporation to Kimmon International US, Inc. of record in Volume 10244, Page 275, Deed Records, Tarrant County, Texas;

Tract Three: 39.841 acres, more or less, being Lot 1, Block 4R and Lot 3, Block 3R, FOSSIL CREEK ADDITION, an Addition to the City of Fort Worth according the Plat thereof recorded in Volume A, Page 1916, Plat Records, Tarrant County, Texas;

Tract Four: 31.374 acres, more or less, being Lot 1 and Lot 2, Block 1, FOSSIL CREEK ADDITION, Phase 1, Section 4, an Addition to the City of Fort Worth according to the Plat thereof recorded in Volume A, Page 2715, Plat Records, Tarrant County, Texas;

Tract Five: 11.41 acres, more or less, being Lot 1 and Lot 2, MAC CHURCHILL ADDITION, an Addition to the City of Fort Worth according to the Plat thereof recorded in Volume A, Page 7181, Plat Records, Tarrant County, Texas;

that lies outside the north 100 acres of the 299.6 acres, more or less, situated in the DAVID ODUM SURVEY, A-1184 and the W.B. DEWEES SURVEY, A-396, Tarrant County, Texas, described in a Warranty Deed dated October 6, 1945 from O.P. Leonard and wife, Margery Leonard to Dewey Ross and wife, Sallie Estelle Ross of record in Volume 1736, Page 332, Deed Records, Tarrant County, Texas;

SECOND TRACT: Approximately 15.732 acres, more or less, being all that part of the following:

Tract One: 46.271 acres, more or less, situated in the DAVID ODUM SURVEY, A-1184, Tarrant County, Texas, described in a Controlled Access Highway Facility Deed dated March 28, 1963 from Dewey Ross and wife, Sallie Estelle Ross to the State of Texas of record in Volume 3799 at Page 413 of the Deed Records of Tarrant County, Texas;

Tract Two: 38.821 acres, more or less, situated in the DAVID ODUM SURVEY, A-1184, Tarrant County, Texas, described in a Controlled Access Highway Facility Deed dated February 18, 1963 from J.C. Moulton and wife, Enola Moulton to the State of Texas of record in Volume 3790 at Page 172 of the Deed Records of Tarrant County, Texas;

that borders the hereinabove described "FIRST TRACT" of 16.0422 acres, to the center of highway I-35W and Loop 820;

Containing a total of all tracts 130.8762 acres, more or less, TOGETHER WITH all of Lessor's interest in and to all streets, alleys, roadways, easements and rights-of-way adjacent or appurtenant thereto.